

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

August 24, 1999

IN RE:)	
)	
PETITION OF NEWSOUTH COMMUNICATIONS)	DOCKET NO. 99-00288
CORPORATION FOR APPROVAL OF AN)	
INTRALATA TOLL DIALING PARITY PLAN)	

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on July 13, 1999, at a regularly scheduled Authority Conference, to consider the Petition of NewSouth Communications Corp. ("NewSouth") for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. § 151 *et seq.*

FILE

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

NewSouth is a telecommunications company operating under Tenn. Code Ann. § 65-4-201 as a competitive local exchange carrier that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, NewSouth is required to file a plan with the Authority that provides for implementing intraLATA toll dialing parity in the exchanges in

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

Tennessee where service is provided.⁴ This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

NewSouth filed an intraLATA toll dialing plan on April 22, 1999 and a final amendment on June 23, 1999. The Plan as amended, attached hereto as Exhibit A, is fully incorporated herein by this reference.

The Directors considered this plan at the July 13, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method that allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve the NewSouth Communications Corp. intraLATA toll dialing parity implementation plan, as amended, with the requirement that NewSouth comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

IT IS THEREFORE ORDERED THAT:

1. The amended Plan of NewSouth Communications Corp. for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved

⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an intraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

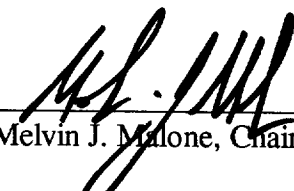
⁵ Pre-subscription allows the customer to place a call without dialing an access code.

⁶ FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

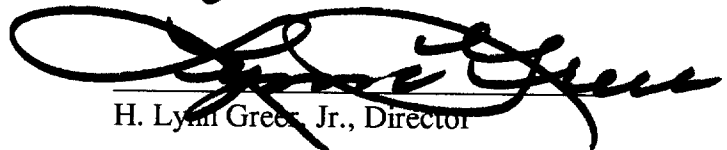
and incorporated in this Order as if fully rewritten herein;

2. NewSouth Communications Corp. shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and

3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.



Melvin J. Malone, Chairman




H. Lynn Green, Jr., Director



Sara Kyle, Director

ATTEST:



K. David Waddell, Executive Secretary

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June 22, 1999

OFFICE OF THE
EXECUTIVE SECRETARYVia Overnight DeliveryK. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243Re: **Docket No. 99-00288: Second Revised IntraLATA Toll Dialing Parity Plan of
NewSouth Communications Corp.**

Dear Mr. Waddell:

Pursuant to discussions with Mr. Carsie Mundy of the Tennessee Regulatory Authority ("Authority") staff, please find enclosed for filing an original and thirteen (13) copies of NewSouth Communications Corp.'s second revised IntraLATA Toll Dialing Parity Plan, which replaces the revised plan filed by NewSouth on June 21, 1999.

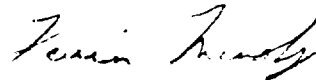
The following change has been made:

- Page 3: Second paragraph of the section titled "Customer Contact Information" has been revised to read as follows:

"NewSouth will not ballot or allocate their customer base. At the time of conversion, all customers will remain with their existing carriers unless another carrier is chosen by the particular customer."

Please date-stamp the enclosed extra copy of this filing and return it in the attached postage-paid envelope. If you have any further questions regarding this matter, please do not hesitate to contact Kevin Minsky at (202) 945-6920.

Respectfully submitted,



Dana Frix
Kevin D. Minsky

Counsel to NewSouth Communications Corp.

Enclosures

cc: Carsie Mundy
Kevin Hendricks
Anandashankar Mazumdar

**NEWSOUTH COMMUNICATIONS CORP.
INTRALATA TOLL DIALING PARITY PLAN**

INTRODUCTION

NewSouth Communications Corp. ("NewSouth") will initiate the process that will give end user customers the opportunity to designate a carrier for their intraLATA toll call traffic in those market areas where NewSouth is a facilities-based local exchange service provider. IntraLATA toll calls will automatically be directed to the designated carrier without the customer having to dial an access code.

Implementation Date: This plan will be implemented no later than 30 days following the approval date or July 22, 1999, whichever is sooner.

Exchanges Where Plan Will Be Implemented: NewSouth will provide intraLATA toll dialing parity within all the exchanges in LATA 470 (Nashville) in Tennessee.

Customer Notification: Customers will be notified of the availability to intraLATA toll dialing parity by written notice in the billing cycle that covers the July 1999 bill, which will be posted in late July and early August 1999. The insert will notify all customers of the plan and how to select their desired carrier.

Cost Recovery: NewSouth has no plans at this time to seek cost recovery associated with the implementation of this plan.

New South will comply with all rules of the Federal Communications Commission and the Tennessee Regulatory Authority.

POLICIES

NewSouth will deploy two-PIC (Primary Interexchange Carrier) technology in its switches. This technology will enable the customer to presubscribe to the same or a different carrier for their intraLATA and/or interLATA service.

Appropriate tariffs will be revised and filed in accordance with this plan.

NewSouth will offer customers the ability to access all participating carriers by dialing the appropriate access code (10XXX/101XXXX).

All eligible NewSouth end user telephone line numbers will be presubscribed and must have a PIC associated with them.

CARRIER INFORMATION

Interexchange carriers will have the option of offering intraLATA service only or intraLATA and interLATA service.

Interexchange carriers will have the option of participating in all market areas or in a specific market area.

Interexchange carriers will be required to return a completed Non-Disclosure Agreement and Participation Agreement(s).

NewSouth will not participate in billing disputes for intraLATA service between alternative competing interexchange carriers and their customers.

NewSouth representatives will not initiate or accept three-way calls from alternative interexchange carriers to discuss presubscription.

Carriers wishing to participate will be requested to submit Access Service Requests/Translation Questionnaires to the Access Tandem owner and to NewSouth.

CALL ELIGIBILITY/TOLL DIALING PLAN

A local service customer of NewSouth will have calls routed according to the following plan:

If a NewSouth Customer Dials:	The Call is Handled By/Routed To:
911	PSAP on originating line number
411/555-1212	NewSouth Directory Assistance Operator
0-	NewSouth Operator
0 + intraexchange number	IntraLATA Toll Provider
1 + 7 or 10 digits	IntraLATA Toll Provider
0 + 7 or 10 digits interexchange number	InterLATA Toll Provider
10XXX or 101XXXX + 0-	XXX/XXXX Carrier
10XXX or 101XXXX + 0 + 7 or 10 digits	XXX/XXXX Carrier
10XXX or 101XXXX + 7 or 10 digits	XXX/XXXX Carrier

If a NewSouth customer originates a call to a carrier Operator by dialing 00-, the call will be routed to the PIC on that customer's line. If the customer originates a call to a carrier Operator by dialing an access code (e.g., 10XXX/101XXXX + 0-), the call will be routed to the XXX/XXXX carrier. In both cases, the carrier's switch is responsible for routing this call to the carrier's Operator or to an announcement.

NETWORK INFORMATION

All originating intraLATA traffic will initially be routed via the incumbent Local Exchange Carrier (LEC) Access Tandem(s). Following conversion, direct trunks between the NewSouth switch and the interexchange carrier location(s) may be provisioned where traffic volumes warrant.

Interexchange carriers must have Feature Group D trunks in place (or ordered) between their point of presence and the incumbent LEC Access Tandem(s).

NewSouth will route all originating intraLATA traffic to the designated carrier and will only block traffic at the request of the end user customer and/or in compliance with regulatory requirements. Requests from carriers to block traffic or to remove customers from their network will not be honored. Calls that cannot be completed to a carrier will be routed to an announcement.

CUSTOMER CONTACT INFORMATION

NewSouth customer contact representatives will process customer initiated PIC selections to NewSouth or to an alternative intraLATA carrier. Carriers will have the option of allowing the NewSouth representative to process PIC requests on their behalf.

NewSouth will not ballot or allocate their customer base. At the time of conversion, all customers will remain with their existing carriers unless another carrier is chosen by the particular customer.

NewSouth customer contact representatives will not comment on a customer's choice of its intraLATA PIC when the customer contacts NewSouth to change the PIC. NewSouth customer contact representatives will respond to customer inquiries about intraLATA carriers in a competitively neutral fashion. If a customer requests information relating to carriers other than NewSouth, a list of participating carriers will be read to that customer in random order by NewSouth representatives.

If the intraLATA toll carrier selected by the customer permits NewSouth to process orders on its behalf, NewSouth will accept the PIC change request. If the customer selects an intraLATA toll carrier that does not allow NewSouth to process PIC changes on its behalf, NewSouth will provide the customer with the carrier's toll-free number (if provided by the carrier).

NewSouth representatives will not discuss alternative carrier rates or services and will not provide customers with Carrier Identification Codes or access code dialing instructions.

PRESUBSCRIPTION INFORMATION

A \$5.00 PIC change charge will be incurred and billed to a NewSouth customer for each eligible line where a PIC change is made. NewSouth will offer its customers a 12-month grace period following Plan implementation during which the customers may change intraLATA carriers without a PIC

change charge. Customers can make one PIC change during these 12 months at no charge. After the 12-month period, NewSouth will assess the \$5.00 PIC change charge. NewSouth offers interexchange carriers the option of having the PIC charge billed to the carrier or to the customer.

New line customers, including customers adding lines, will have the opportunity to select a participating carrier, or they will be assigned a NO PIC designation. If a customer cannot decide upon an intraLATA carrier at the time of order, NewSouth will offer the customer a 12-month grace period following placement of the customer's service order for the customer to select an intraLATA carrier without charge. Such a customer will be assigned a NO PIC designation in the interim. After this 12-month period, NewSouth will assess the \$5.00 PIC change charge as described above. Customers assigned a NO PIC designation as set forth in this paragraph will be required to dial an access code to reach an intraLATA carrier's network.

If a NewSouth customer denies requesting a change in intraLATA toll providers as submitted by an intraLATA carrier, and the intraLATA carrier is unable to produce a Letter of Agency signed by the customer, the intraLATA carrier will be assessed a \$30.00 charge for the unauthorized PIC change and the PIC will be changed as per the customer's request, in addition to any other penalties authorized by law.

Alternative interexchange carriers may submit PIC changes to NewSouth via a fax/paper interface.

NewSouth will process intraLATA PIC selections in the same manner and under the same intervals of time as interLATA PIC changes.

Carriers will be required to submit PIC changes using the Customer Account Record Exchange (CARE) format via paper medium. NewSouth will provide carriers with PIC order confirmation and reject information using the CARE format. Specific details regarding CARE will be provided to participating carriers.

For customers who change their local service provider from the incumbent LEC to NewSouth and retain their incumbent LEC telephone number(s), NewSouth, as part of the CARE PIC process, will provide the selected intraLATA carrier with both the retained (incumbent LEC) telephone number and the NewSouth telephone number.

Dated: June 22, 1999